

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-21644-KMM

JULIE SU, *Acting Secretary of Labor,*
United States Department of Labor,

Plaintiff,

v.

LOCAL 568, TRANSPORT WORKERS UNION
OF AMERICA, AFL-CIO,

Defendant.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Defendant's Motion for Bill of Costs. ("Mot.") (ECF No. 44). The matter was referred to the Honorable Lauren F. Louis, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, to take all necessary and proper action as required by law and/or to issue a Report and Recommendations. (ECF No. 47). On January 18, 2024, Magistrate Judge Louis issued a Report and Recommendation, ("R&R") (ECF No. 58), recommending that the Motion be GRANTED IN PART and DENIED IN PART. No objections to the R&R were filed, and the time to do so has passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific

objection” to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

Yet when a party has failed to object to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-CV-21230, 2015 WL 12780912, at *1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review) (internal quotation marks omitted).

As set forth in the R&R, Magistrate Judge Louis recommends that Defendant be awarded a total of \$11,640.30 in taxable costs, entered against Plaintiff, consisting of: (1) \$270.00 for the service subpoenas; (2) \$240.00 in witness fees; (3) \$8,780.30 in fees for printed or electronically recorded transcripts; and (4) \$2,350.00 in fees for court reporter attendance. *See generally* R&R. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 58) is ADOPTED. Defendant’s Motion for Bill of Costs (ECF No. 44) is GRANTED IN PART and DENIED IN PART. Defendant is awarded a total of \$11,640.30 in taxable costs.

DONE AND ORDERED in Chambers at Miami, Florida, this 15th day of February, 2024.

K. M. Moore

K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record